

AMENDED IN ASSEMBLY AUGUST 22, 2006

AMENDED IN ASSEMBLY JUNE 20, 2006

AMENDED IN SENATE MAY 3, 2006

AMENDED IN SENATE APRIL 3, 2006

**SENATE BILL**

**No. 1638**

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**Introduced by Senator Figueroa**  
(Coauthor: Assembly Member Laird)

February 24, 2006

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An act to add Sections 2509 and 2516 to the Business and Professions Code, relating to midwives.

LEGISLATIVE COUNSEL'S DIGEST

SB 1638, as amended, Figueroa. Midwives: advisory council: annual report.

Existing law, the Licensed Midwifery Practice Act of 1993, provides for the licensing and regulation of midwives by the Board of Licensing of the Medical Board of California. A violation of the act is a crime.

This bill would provide for the creation of a Midwifery Advisory Council, as specified. The bill would also require each licensed midwife who assists, or supervises a student midwife in assisting, in childbirth occurring in an out-of-hospital setting to annually report to the Office of Statewide Health Planning and Development certain information regarding his or her practice for the previous year. The bill would require the office to maintain the confidentiality of the information submitted pursuant to this requirement. *The bill would require the office to report annually to the board those licensees who have complied with the bill's requirements, and require the board to*

*send a notice of noncompliance to those who have not.* The bill would require the ~~council~~ office to report the aggregate information to the board, and would require the board to report that aggregate information to the Legislature in its own annual report. The bill would provide that a violation of these requirements is not a crime, *but failure by the midwife to comply with the requirements would preclude renewal of the midwife's license.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 2509 is added to the Business and  
2 Professions Code, to read:  
3 2509. The board shall create and appoint a Midwifery  
4 Advisory Council consisting of licensees of the board in good  
5 standing, who need not be members of the board, and members  
6 of the public who have an interest in midwifery practice,  
7 including, but not limited to, home births. At least one-half of the  
8 council members shall be California licensed midwives. The  
9 council shall make recommendations on matters specified by the  
10 board.
- 11 SEC. 2. Section 2516 is added to the Business and  
12 Professions Code, to read:  
13 2516. (a) Each licensed midwife who assists, or supervises a  
14 student midwife in assisting, in childbirth that occurs in an  
15 out-of-hospital setting shall annually report to the Office of  
16 Statewide Health Planning and Development. The report shall be  
17 submitted in March, with the first report due in March 2008, for  
18 the prior calendar year, in a form specified by the ~~office~~ board  
19 and shall contain all of the following:  
20 (1) The midwife's name and license number.  
21 (2) The calendar year being reported.  
22 (3) The following information with regard to cases in which  
23 the midwife, or the student midwife *supervised by the midwife*,  
24 assisted in the previous year when the intended place of birth at  
25 the onset of care was an out-of-hospital setting:  
26 (A) The total number of clients served as primary caregiver at  
27 the onset of care.

1 (B) The total number of clients served with collaborative care  
2 available through, or given by, a licensed physician and surgeon.

3 (C) The total number of clients served under the supervision of  
4 a licensed physician and surgeon.

5 (D) The number by county of live births attended as primary  
6 caregiver.

7 (E) The number, by county, of cases of fetal demise attended  
8 as primary caregiver at the discovery of the demise.

9 (F) The number of women whose primary care was transferred  
10 to another health care practitioner during the antepartum period,  
11 and the reason for each transfer.

12 (G) The number, reason, and outcome for each elective  
13 hospital transfer during the intrapartum or postpartum period.

14 (H) The number, reason, and outcome for each urgent or  
15 emergency transport of an expectant mother in the antepartum  
16 period.

17 (I) The number, reason, and outcome for each urgent or  
18 emergency transport of an infant or mother during the  
19 intrapartum or immediate postpartum period.

20 (J) The number of planned out-of-hospital births at the onset  
21 of labor and the number of births completed in an out-of-hospital  
22 setting.

23 (K) The number of planned out-of-hospital births completed in  
24 an out-of-hospital setting that were any of the following:

25 (i) Twin births.

26 (ii) Multiple births other than twin births.

27 (iii) Breech births.

28 (iv) Vaginal births after the performance of a caesarian  
29 section.

30 (L) A brief description of any complications resulting in the  
31 mortality of a mother or an infant.

32 (M) Any other information prescribed by the board in  
33 regulations.

34 (b) The Office of Statewide Health Planning and Development  
35 shall maintain the confidentiality of the information submitted  
36 pursuant to this section, and shall not permit any law  
37 enforcement or regulatory agency to inspect or have copies made  
38 of the contents of any reports submitted pursuant to subdivision

39 (a) for any purpose, including, but not limited to, investigations  
40 for licensing, certification, or regulatory purposes.

1 (c) The office shall report to the board, by April, those  
2 licensees who have met the requirements of subdivision (a) for  
3 that year.

4 (d) The board shall send a written notice of noncompliance to  
5 each licensee who fails to meet the reporting requirement of  
6 subdivision (a). Failure to comply with subdivision (a) will result  
7 in the midwife being unable to renew his or her license without  
8 first submitting the requisite data to the Office of Statewide  
9 Health Planning and Development for the year for which that  
10 data was missing or incomplete. The board shall not take any  
11 other action against the licensee for failure to comply with  
12 subdivision (a).

13 (e) The board, in consultation with the office and the  
14 Midwifery Advisory Council, shall devise a coding system  
15 related to data elements that require coding in order to assist in  
16 both effective reporting and the aggregation of data pursuant to  
17 subdivision (f). The office shall utilize this coding system in its  
18 processing of information collected for purposes of subdivision  
19 (f).

20 (f) The office shall report the aggregate information collected  
21 pursuant to this section to the board by July of each year. The  
22 board shall include this information in its annual report to the  
23 Legislature.

24 (g) Notwithstanding any other provision of law, a violation of  
25 this section shall not be a crime.